

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: David Quigley, AICP, Planning and Zoning Manager/ (954) 797-1103

PREPARED BY: Ingrid Allen, Planner III

SUBJECT: Ordinance

AFFECTED DISTRICT: 3 and 4

ITEM REQUEST: Staff Requesting a Tabling

TITLE OF AGENDA ITEM: CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 12, LAND DEVELOPMENT CODE, BY AMENDING SECTION 12-107, LANDSCAPING STANDARDS FOR LOTS AND SITES, SECTION 12-284, FENCES, MAILBOXES, BUS STOPS AND ENTRANCEWAY FEATURES, AND SECTION 12-288, INCENTIVES; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF: The Rural Lifestyle regulations, adopted into the Town Code in 2002, create an “overlay district” with additional design regulations that apply to areas zoned AG, A-1 and R-1. The overall intent of the Rural Lifestyle regulations is to ensure that development is compatible with the surrounding land uses and maintains and enhances the rural character of the area. The Rural Lifestyle regulations include both regulations and incentives intended to maximize the quality and compatibility of new development. According to Section 12-107 of the Land Development Code, guard gates, guard arms, or other devices which restrict access to a residential development are not permitted within the Rural Lifestyle area unless the development is eligible for incentive points pursuant to Section 12-288. In other words, guard gates and guard arms are generally not permitted but may be approved if the development exceeds design standards for open space and architectural design.

Members of the public have recently complained that the inability to construct guard gates/guardhouses has made it difficult to sell developed lots and that residents do not feel safe with unrestricted vehicle access. At the August 5, 2009 Town Council meeting, the Town Council and Town Administrator directed staff to prepare an ordinance to address this issue. The proposed amendment would eliminate the prohibition on guard

gates, guard arms and similar devices while retaining the current design standards for such structures (10 ft. maximum height, 200 sq. ft. area and use of natural materials).

PREVIOUS ACTIONS: none

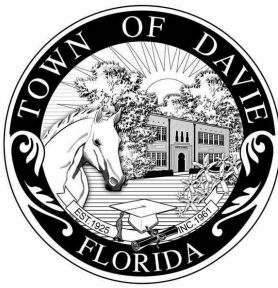
CONCURRENCES: At the September 23, 2009 Local Planning Agency meeting, Mr. DeArmas made a motion, seconded by Mr. Farkas, to table to October 14, 2009, or the next available meeting in order to allow staff more time for research since the proposed ordinance was a directive from the Town Council. **(Motion carried 5-0)**

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

RECOMMENDATION(S): Motion to approve ordinance

Attachment(s): Ordinance



Planning & Zoning Division

6591 ORANGE DRIVE • DAVIE, FLORIDA 33314-3399
PHONE: 954.797.1103 • FAX: 954.797.1204 • WWW.DAVIE-
FL.GOV

MEMORANDUM

PZ 9-9-09

TO: Mayor and Councilmembers

THRU: Gary Shimun, Town Administrator
David Quigley, Planning and Zoning Manager

FROM: Ingrid Allen, Planner III

DATE: September 24, 2009

RE: ZB(TXT) 8-1-09

REQUEST:

Staff is requesting that the above referenced agenda item, currently scheduled for the October 7, 2009 Town Council meeting, be tabled to the November 4, 2009 meeting.

HISTORY:

At the September 23, 2009 Local Planning Agency meeting, Mr. DeArmas made a motion, seconded by Mr. Farkas, to table to October 14, 2009, or the next available meeting in order to allow staff more time for research since the proposed ordinance was a directive from the Town Council. **(Motion carried 5-0)**

JUSTIFICATION:

The Local Planning Agency made a motion requesting staff to conduct further analysis on this item.

cc.
File

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 12, LAND DEVELOPMENT CODE, BY AMENDING SECTION 12-107, LANDSCAPING STANDARDS FOR LOTS AND SITES, SECTION 12-284, FENCES, MAILBOXES, BUS STOPS AND ENTRANCEWAY FEATURES, AND SECTION 12-288, INCENTIVES; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town adopted “Rural Lifestyle Regulations” by Ordinance 2002-35, which included design standards for guardgates, gatehouses and gate-arms; and

WHEREAS, the Town Council desires to modify the standards for guardgates, gatehouses and gate-arms; and

WHEREAS, the Local Planning Agency of the Town of Davie held a public hearing on _____; and

WHEREAS, the Town Council of the Town of Davie held a public hearing duly advertised as required by State Statutes.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. That the above foregoing whereas clauses are hereby incorporated.

SECTION 2. That the Land Development Code of the Town of Davie, Florida, is hereby amended to read as follows:

Sec. 12-107. Landscaping standards for lots and sites.

(A) Single-family and two-family districts.

1. Tree requirements. A minimum of three (3) trees per eight thousand (8,000) square feet of lot area (excluding house and paved areas). For lots over eight thousand (8,000) square feet, one (1) additional tree per three thousand (3,000) square feet of lot area, or fraction thereof, shall be provided. Trees required to be adjacent to the street or in the swale area are to be selected from the current Town of Davie Landscape Materials List.
 - (a) Tree requirements. For lots eight thousand (8,000) square feet: one (1) tree to be located in or adjacent to the swale area, second tree in the front yard and the third tree located at the discretion of the developer.
 - (b) For lots larger than eight thousand (8,000) square feet: two (2) trees to be located in or adjacent to the swale area, one (1) tree located in the front yard and the remainder at the discretion of the developer.

- (c) For corner lots, an additional one (1) tree for each forty (40) linear feet of street frontage shall be required on the side street.
- 2. Shrub requirements. For every linear foot of building frontage (excluding entries and garage openings), one (1) shrub per eighteen (18) inches of building frontage or fraction thereof. Shrubs are to be twenty-four (24) inches in height at time of planting.
- 3. Ground cover requirements. Ground cover is required at the same quantity as shrubs.
- 4. Sodding. The complete site not dedicated to buildings, driveways, walkways or landscaping shall be sodded.
- 5. Required landscaping buffer and street trees for single-family and two-family districts adjacent to public rights-of-way.

- (a) A required landscape buffer shall be provided for all residential districts in accordance with the following, except that additional buffer width may be required as provided in paragraph (c) of this subsection:

University Drive and State Road 84 shall be thirty (30) feet wide.

Arterial and collector streets shall be twenty (20) feet wide.

All other streets shall be ten (10) feet wide.

- (b) Such landscape buffer shall include one (1) fourteen- to sixteen-foot tree for every forty (40) linear feet or fraction thereof of street frontage and one (1) accent tree shall be provided for each one hundred (100) feet or fraction thereof.
- (c) In addition, unless otherwise approved by town council, a hedge, wall, or fence of a height not less than two and one-half (2 1/2) feet, and not to exceed the maximum permitted height, shall be placed within the landscape buffer for all developments subject to site plan review. A variety of species and/or materials shall be used with no more than sixty (60) percent of the plants being one (1) predominate species.
If a fence or wall is used in the buffer, then the fence or wall shall be placed at the rear of the landscape buffer. A continuous row of hedges and the required trees shall be placed on the right-of-way side of the fence or wall, and the trees shall be staggered. The town council may waive the requirement of this subsection, if it determines that the wall or fence is an architectural feature such that esthetics will be better served by leaving it unscreened.
- (d) Street trees shall be installed in the swale area of the street if deemed by the development services department to be safe. Such trees shall be planted at a minimum height of fourteen (14) to sixteen (16) feet. The quantity of trees shall be based upon one (1) tree for every forty (40) linear feet of street frontage or fraction thereof. The type of trees shall be

consistent with other swale trees along the street and approved by the development services department. Suggested street trees may be found in the Town of Davie Landscape Materials List.

- (e) Necessary accessways from the public right-of-way through all such landscape strips may be subtracted from the linear dimension used to determine the number of trees. Trees shall not be located in the required sight triangle found in section 12-109.
 - (f) University Drive, State Road 84 and Griffin Road from University Drive east to the town's limits shall include planting, as required by this section, together with a continuous landscape berm of curvilinear design and variable height from eighteen (18) inches to forty-two (42) inches, with an average height of thirty (30) inches.
 - (g) Required landscape buffers shall not be contained in any lot and shall be in addition to any recreational trail requirements of a minimum of fifteen (15) feet.
6. Required landscape buffer for proposed public rights-of-way or private ingress/egress easements. Where a public right-of-way or private ingress/egress easement is proposed that abuts an adjoining property not under the same ownership, a ten-foot landscape buffer shall be provided between the adjoining property and the proposed right-of-way or ingress/egress easement.

Within the landscape buffer, one (1) fourteen- to sixteen-foot tree shall be installed for each forty (40) linear feet of property line along with a continuous row of hedges.

- ~~7. No guard gates, guard arms, or other devices which restrict access to a residential development shall be permitted within a zoning district subject to the Rural Lifestyle Regulations, section 12-281, except as permitted therein.~~

Sec. 12-284. Fences, mailboxes, bus stops and entranceway features.

- (A) All fences, mailboxes, bus stops, guardhouses and entranceway features developed within the scenic corridor setback shall be made of natural materials or substances derived from natural materials, including, but not limited to, wood, stucco, stone, brick and clay tile. Painted colors shall be limited to earth tones, natural, and white.
- (B) No entranceway feature shall be internally lighted. Light fixtures for external illumination shall be contained in burial vaults or shall be screened with cut-off shields. External illumination shall not exceed one and one-half (1.5) footcandles.
- (C) No mailbox or entranceway feature within the scenic corridor setback shall be greater than four and one-half (4.5) feet in height.
- (D) Guardhouses shall be a maximum of ten (10) feet in height and a maximum of two-hundred (200) sq. ft. gross floor area.

- (DE) Fences shall meet the design requirements of the Rural Lifestyle Regulations, as stated in section 12-286. Fence colors shall be limited to earth tones, natural, or white and shall be a maximum of four (4) feet in height.
- (EF) Fences located within a scenic corridor are intended to function as spatial locators and not be substantial in appearance. Such fences located in a scenic corridor buffer shall not exceed more than twenty (20) percent opacity.

Sec. 12-288. Incentives.

Rural Lifestyle incentives. As stated below, the following information details the incentives available for developments that provide additional benefits to the town. Such incentives shall not exceed ten (10) points for each incentive and may not exceed a total of twenty-four (24) points.

- (A) Incentives for One-Acre Lots. The provisions of section 12-287 may, under the circumstances set forth below, be waived by the town council where the plat or site plan restricts all lots contained therein to no less than forty-three thousand five hundred sixty (43,560) square feet in size, in the A-1 and R-1 zoning districts. The provisions set forth below provide for a number of incentives and options which can be authorized by the town council as waivers from regulations set forth in section 12-287, based upon the binding commitment in a plat or site plan for a minimum lot size of forty-three thousand five hundred sixty (43,560) square feet. No more than ten (10) points worth of these incentives may be authorized by the town council for any plat or site plan.

Developments utilizing a forty-three thousand five hundred sixty (43,560) net dry lot (as set forth in a binding commitments) shall be allowed a total of ten (10) points worth of flexible site design details as described in Subsection (D) in exchange for providing a larger lot size, in keeping with the goal of the Rural Lifestyle Initiative.

- (B) Incentives for Open Space. An approved plat or site plan that provides a minimum of twenty (20) percent open space in the AG, A-1, or R-1 zoning district shall be allowed to utilize the incentive program, as described in subsection (D), allowing for a maximum of ten (10) points worth of flexible site design details.

In order to qualify, all the following requirements must be met:

- (1) The open space shall be located at the major access points to a community or adjacent to an existing trail or public park or other such public lands.
- (2) The open space shall be owned by the Homeowners Association, or other accepted entity, as approved by the town to assure its continued maintenance in perpetuity. Appropriate recorded restrictions, as approved by the town attorney, shall be recorded as a condition to plat or site plan approval.
- (3) The minimum twenty (20) percent open space provided shall be net dry and not contain any water.

- (4) The open space shall be identified by a separate legal description either at time of plat or site plan.
- (5) The open space shall be no less than 50 feet in width at its most narrow point.
- (6) No more than fifteen (15) percent of the open space shall consist of impervious area, either paved or structures.

(C) Incentives for Traditional Architecture and Site Design. A plat or site plan that provide for a Florida Vernacular Theme Architectural style in conjunction with and design elements of a traditional neighborhood site design shall be allowed to utilize the incentive program allowing for a maximum of four (4) points worth of flexible site design details as follows:

(D) Table of Incentives.

Point Weight	Incentive
	▪
5 points	Reduced ultimate road right-of-way (on local roads) to a 40-foot cross-section with a sidewalk required on only one side of the road.
2 points	Sidewalks only on one side of the road.
3 points	Palm trees may be allowed to exceed twenty-five (25) percent maximum, not to exceed fifty (50) percent. (as required in section 12-107)
5 points	Entry features and signs shall be allowed to exceed the maximum 4.5 feet in height, but not to exceed ten (10) feet in height and ten (10) feet in length, per side.
5 points	Culs-de-sac shall be allowed as of right, with no limitation on the ultimate number. Developments shall provide access to all adjacent public road right-of-way.
2 points	Curbing material may be modified and/or deleted upon approval from the town engineer based on the size of a proposed development and anticipated number of vehicular trips per day.
2 points	Street lights may not be required, upon approval from the town engineer based review of a proposed development and anticipated number of vehicular trips per day.

SECTION 3. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase, title, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 5. This ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS ____ DAY OF _____, 2009.

PASSED ON SECOND READING THIS ____ DAY OF _____, 2009.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS ____ DAY OF _____, 2009.